

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARK R. MARINO,

Plaintiff,

vs.

UNITED STATES INTERNAL REVENUE  
 SERVICE,

Defendant.

Case No.: 2:09-cv-00667-GMN-RJJ

**ORDER ACCEPTING  
 REPORT AND RECOMMENDATION  
 OF UNITED STATES  
 MAGISTRATE JUDGE  
 (ECF #6)**

Before the Court for consideration is the Report and Recommendation (ECF No. 6) of the Honorable Robert J. Johnston, United States Magistrate Judge, entered February 24, 2011, in which Magistrate Judge Johnston recommended that Plaintiffs' case be dismissed. Plaintiff has not paid the filing fee to file his Petition to Quash IRS Summons (ECF No. 1), nor has he filed an Application to Proceed *In Forma Pauperis*. Plaintiff has made no attempt to serve the Defendant in this action, and has taken no action in this case since April 4, 2009, and appears to have abandoned this litigation.

The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-4, and has determined that Magistrate Judge Johnston's Recommendation should be ACCEPTED.

**IT IS THEREFORE ORDERED** that Magistrate Judge Johnston's Report and Recommendation (ECF No. 6) is **ACCEPTED**. Plaintiff's case is therefore **DISMISSED with prejudice**.

DATED this 6th day of May, 2011.

  
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 Gloria M. Navarro  
 United States District Judge